

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

VIRGINIA PAIGE JENKINS,
Administratrix of Estate of Erin Jenkins,

Plaintiff,

v.

Civil Action No. 3:15cv355

SHERIFF C.T. WOODY, et al.,

Defendants.

ORDER

For the reasons stated in the accompanying Memorandum Opinion, the Court GRANTS Plaintiff's Motion for Sanctions. (ECF No. 112.) The Court ORDERS the following sanctions for Sheriff Woody's failure to take reasonable steps to preserve electronically stored information that should have been preserved in anticipation of litigation and cannot be restored or replaced through additional discovery:

- (1) The Court will tell the jury that the video was not preserved;
- (2) The Court will allow all parties to present evidence and argument at trial regarding Sheriff Woody's destruction of, or failure to preserve, the Video Data. The jury will be instructed that it may consider that evidence, along with all the other evidence in the case, in making its decision;
- (3) The Court will preclude any evidence or argument that the contents of the video corroborated the Defendants' version of events; and,
- (4) The Court will preclude any evidence or argument that on August 1, 2014, Erin Jenkins was exhibiting "the same," "identical," or "similar" symptoms as those she demonstrated on July 31, 2014, when she was seen by Dr. Emran.

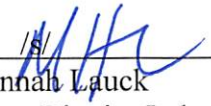
The Court further ORDERS that, subject to briefing and oral argument, where all parties may be heard as to the propriety of, and the extent of, reasonable fees and expenses:

- (1) Sheriff Woody SHALL pay all of Plaintiff's reasonable fees and expenses associated with Sheriff Woody's failure to preserve the Video Data; and,
- (2) Sheriff Woody SHALL pay all of Plaintiff's reasonable fees and expenses associated with Sheriff Woody's late disclosure of the IAD audio files.

Let the Clerk send a copy of this Order and its accompanying Memorandum Opinion to all counsel of record.

It is so ORDERED.

Date: 1/24/17
Richmond, Virginia



M. Hannah Lauck
United States District Judge